

IN RE:

Sauer, Terry Gerald

Debtor(s)

Case No. **14-30309**

Chapter **13**

MODIFIED CHAPTER 13 PLAN

Dated: **September 15, 2015**.

1. DEBTOR'S PAYMENTS TO TRUSTEE –

- a. As of the date of this plan, the debtor has paid the trustee \$ **28,775.00**.
- b. After the date of this plan, the debtor will pay the trustee \$ **1,925.00** per **month** for **41** months, beginning September 2015 for a total of \$ **78,925.00**. The minimum plan length is [] 36 or [X] 60 months from the date of the initial plan payment unless all allowed claims are paid in a shorter time.
- c. The debtor will also pay the trustee: n/a
- d. The debtor will pay the trustee a total of \$ **107,700.00** [line 1(a) + line 1(b) + line 1(c)].

2. PAYMENTS BY TRUSTEE – The trustee will pay from available funds only creditors for which proofs of claim have been filed. The trustee may collect a fee of up to 10% of plan payments, or \$ **10,770.00**, [line 1(d) x .10].

3. ADEQUATE PROTECTION PAYMENTS [§ 1326(a)(1)(C)] – The trustee will promptly pay from available funds adequate protection payments to creditors holding allowed claims secured by personal property, according to the following schedule, beginning in month one (1).

Creditor	Monthly Payment	Number of Months	TOTAL PAYMENTS
None			
TOTAL			0.00

4. EXECUTORY CONTRACTS AND UNEXPIRED LEASES [§ 365] – The debtor assumes the following executory contracts or unexpired leases. Cure provisions, if any, are set forth in ¶ 7.

Creditor	Description of Property
Gary And Mary Gram	Contract for Deed for Bar Building

5. CLAIMS NOT IN DEFAULT – Payments on the following claims are current and the debtor will pay the payments that come due after the date the petition was filed directly to the creditors. The creditors will retain liens, if any.

Creditor	Description of Claim
Gary And Mary Grams	Contract For Deed: 100 4th Avenue N Foley, MN 56329 (Bar Buildin

6. HOME MORTGAGES IN DEFAULT [§ 1322(b)(5) and § 1322(e)] – The trustee will cure defaults on the following claims secured only by a security interest in real property that is the debtor's principal residence. The debtor will pay the payments that come due after the date the petition was filed directly to the creditors. The creditors will retain liens. All following entries are estimates. The trustee will pay the actual amounts of default.

Creditor	Amount of Default	Beginning Monthly Payment in Month #	Number of Payments	TOTAL PAYMENTS
None				
TOTAL				0.00

7. CLAIMS IN DEFAULT [§ 1322 (b)(3) and (5) and § 1322(e)] – The trustee will cure defaults on the following claims as set forth below. The debtor will pay the payments that come due after the date the petition was filed directly to the creditors. The creditors will retain liens, if any. All following entries are estimates, except for interest rate.

Creditor	Amount of Default	Int. rate (if any)	Beginning Monthly Payment in Month #	Number of Payments	TOTAL PAYMENTS
Benton County Auditor	6,500.00	10.00	682.92	47	14
TOTAL					9,560.87

8. OTHER SECURED CLAIMS; SECURED CLAIM AMOUNT IN PLAN CONTROLS [§ 1325(a)(5)] – The trustee will pay, on account of the following allowed secured claims, the amount set forth in the “Total Payments” column, below. The creditors will retain liens securing the allowed secured claims until the earlier of the payment of the underlying debt determined under nonbankruptcy law, or the date of the debtor's discharge. NOTWITHSTANDING A CREDITOR'S PROOF OF CLAIM FILED BEFORE OR AFTER CONFIRMATION, THE AMOUNT LISTED IN THIS PARAGRAPH AS A CREDITOR'S SECURED CLAIM BINDS THE CREDITOR PURSUANT TO 11 U.S.C. § 1327, AND CONFIRMATION OF THE PLAN IS A DETERMINATION OF THE CREDITOR'S ALLOWED SECURED CLAIM.

Creditor	Claim Amount	Secured Claim	Int. Rate	Beginning in Month #	Monthly Payment	Number of Payments	Payments on Account of Claim	Adequate Protection from ¶3	TOTAL PAYMENTS
Farmers & Merchants Bank *paid \$6,761.40	17,761.96	17,761.96	6.45	1	445.42	45	20,044.02	0.00	20,044.02
Farmers & Merchants Bank *Paid \$13,479.38	45,006.25	45,006.25	6.25	1	887.98	59	52,391.09	0.00	52,391.09
TOTAL									72,435.11

9. PRIORITY CLAIMS – The trustee will pay in full all claims entitled to priority under § 507, including the following. The amounts listed are estimates. The trustee will pay the amounts actually allowed.

Creditor	Estimate Claim	Monthly Payment	Beginning in Month #	Number of Payments	TOTAL PAYMENTS
Heller & Thyen, P.A. *Paid \$1,861.80	4,119.48	457.72	1	9	4,119.48
IRS	500.00				500.00
MN Department Of Revenue, Collection Div	Pro Rata				Pro rata
Mn Child Support *Paid \$2,153.86	Pro Rata				Pro rata
Mn Child Support *Paid \$1,032.23	5,122.19	284.57	9	18	5,122.19
TOTAL	3,190.05	177.23	9	18	3,190.05

10. SEPARATE CLASSES OF UNSECURED CREDITORS – In addition to the class of unsecured creditors specified in ¶ 11, there shall be separate classes of non-priority unsecured creditors described as follows:

The trustee will pay the allowed claims of the following creditors. All entries below are estimates.

Creditor	Int. Rate (if any)	Claim Amount	Monthly Payment	Beginning in Month #	Number of Payments	TOTAL PAYMENTS
None						
TOTAL						0.00

11. TIMELY FILED UNSECURED CREDITORS – The trustee will pay holders of nonpriority unsecured claims for which proofs of claim were timely filed the balance of all payments received by the trustee and not paid under ¶ 2, 3, 6, 7, 8, 9 and 10 their pro rata share of approximately \$ 2,002.30 [line 1(d) minus lines 2, 6(d), 7(d), 8(d), 9(f), and 10(c)].

- a. The debtor estimates that the total unsecured claims held by creditors listed in ¶ 8 are \$ 0.00.
- b. The debtor estimates that the debtor's total unsecured claims (excluding those in ¶ 8 and ¶ 10) are \$ 290.72.
- c. Total estimated unsecured claims are \$ 290.72 [line 11(a) + line 11(b)].

12. TARDILY-FILED UNSECURED CREDITORS – All money paid by the debtor to the trustee under ¶ 1, but not distributed by the trustee under ¶ 2, 3, 6, 7, 8, 9, 10, or 11 will be paid to holders of nonpriority unsecured claims for which proofs of claim were tardily filed.

13. OTHER PROVISIONS – The trustee may distribute additional sums not expressly provided for herein at the trustee's discretion.

The debtor(s) shall provide the trustee with copies of his state and federal tax returns annually. They shall be entitled to retain \$1,200 individual of the combined net state and federal tax refunds (excluding any earned income credit), and the balance shall be paid to the trustee as an additional plan payment.

Pursuant to 11 U.S.C. Section 1305, a proof of claim may be filed by any entity that holds a claim against the debtor(s) for taxes that become payable to a governmental unit while the case is pending. The trustee

shall only pay 11 U.S.C. Section 1305 claims attributable to the taxable year in which the case concerning such debtor(s) was filed, and only to the extent funds are available.

As to the claims dealt with in paragraphs 5, 6, 7, and 8, as well as any purchase money security interests, in the event of the surrender, foreclosure, repossession, or return of the collateral to the creditor for any reason, the balance of the claim, if any, will be paid as an unsecured claim, discharged by the discharge granted pursuant to 11 USC 1328.

The debtor(s) shall not oppose any creditor claiming a purchase money security interest in and to household furnishings, from availing itself of its legal remedies under the Bankruptcy Code, namely, the submission of an application for relief from stay under 11 U.S.C. Sec. 362. Upon appropriate court order regarding relief from the automatic stay provisions of 11 U.S.C. Sec. 362, the debtor(s) shall not oppose a creditor from availing itself of any applicable state law remedies it believes are available for purposes of reclaiming the household furnishings. Upon appropriate order from the Benton County Court, the debtor shall surrender the household furnishings to a creditor in compliance with such Benton County Court Order, if any.

**** A long form fee application will be filed in this case.**

Debtor will promptly turn over any funds to the Trustee's office if any are received from the Insurance company for Property located: 751 Dewey Street Foley, MN. This asset is also listed on Schedule B.

Debtor will pay 100% of all timely filed claims.

14. SUMMARY OF PAYMENTS –

Trustee's Fee [Line2]	\$	10,770.00
Home Mortgage Defaults [Line 6(d)]	\$	0.00
Claims in Default [Line 8(d)]	\$	9,560.87
Other Secured Claims [Line 8(d)]	\$	72,435.11
Priority Claims [Line 9(f)]	\$	12,931.72
Separate Classes [Line 10(c)]	\$	0.00
Unsecured Creditors [Line 11]	\$	2,002.30
TOTAL [must equal Line 1(d)]	\$	107,700.00

Robert S Thyen 032288x
 Heller & Thyen, P.A.
 606 25th Avenue South Suite 110
 St. Cloud, MN 56301-4810

Signed: /s/ Terry Gerald Sauer

DEBTOR

Signed: _____
 DEBTOR (if joint case)

United States Bankruptcy Court
District of Minnesota

IN RE:

Sauer, Terry Gerald

Debtor(s)

SIGNATURE DECLARATION

Case No. 14-30309

PETITION, SCHEDULES & STATEMENTS

CHAPTER 13 PLAN

SCHEDULES AND STATEMENTS ACCOMPANYING VERIFIED CONVERSION

AMENDMENT TO PETITION, SCHEDULES & STATEMENTS

MODIFIED CHAPTER 13 PLAN

OTHER (Please describe:) Motion to confirm mod plan

I [We], the undersigned debtor(s) or authorized representative of the debtor, make the following declarations under penalty of perjury:

- The information I have given my attorney and provided in the electronically filed petition, statements, schedules, amendments, and/or chapter 13 plan, as indicated above, is true and correct;
- The information provided in the "Debtor Information Pages" submitted as a part of the electronic commencement of the above-referenced case is true and correct;
- [individual debtors only] If no Social Security Number is included in the "Debtor Information Pages" submitted as a part of the electronic commencement of the above-referenced case, it is because I do not have a Social Security Number;
- I consent to my attorney electronically filing with the United States Bankruptcy Court my petition, statements and schedules, amendments, and/or chapter 13 plan, as indicated above, together with a scanned image of this Signature Declaration and the completed "Debtor Information Pages," if applicable; and
- [corporate and partnership debtors only] I have been authorized to file this petition on behalf of the debtor.

Date: 9-15-15

X 
Signature of Debtor or Authorized Representative

Sauer, Terry Gerald
Printed Name of Debtor or Authorized Representative

X
Signature of Joint Debtor

Printed Name of Joint Debtor

Heller & Thyen PA

Robert S. Thyen

606 25th Avenue South Ste. 110

St. Cloud, MN 56301

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

IN RE: Terry Sauer

CASE NO: 14-30309

**DECLARATION OF MAILING
CERTIFICATE OF SERVICE**

Chapter: 13
ECF Docket Reference No.
Judge:
Hearing Location:
Hearing Date:
Hearing Time:
Response Date:

On 9/15/2015, I did cause a copy of the following documents, described below,
Amended Service Letter,
Notice of Hearing and Motion to Confirm Modified Plan
Post Modified Plan
Amended Schedule J
Signature Declaration

to be served for delivery by the United States Postal Service, via First Class United States Mail, postage prepaid, with sufficient postage thereon to the parties listed on the mailing matrix exhibit, a copy of which is attached hereto and incorporated as if fully set forth herein.

I caused these documents to be served by utilizing the services of BK Attorney Services, LLC d/b/a certificateofservice.com, an Approved Bankruptcy Notice Provider authorized by the United States Courts Administrative Office, pursuant to Fed.R.Bankr.P. 9001(9) and 2002(g)(4). A copy of the declaration of service is attached hereto and incorporated as if fully set forth herein.

DATED: 9/15/2015

/s/ Robert S. Thyen

Robert S. Thyen

Heller & Thyen PA

606 25th Avenue South Ste. 110

St. Cloud, MN 56301

320 654 8000

jessica@hellerthyen.com

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

IN RE: Terry Sauer

CASE NO: 14-30309

**CERTIFICATE OF SERVICE
DECLARATION OF MAILING**

Chapter: 13
ECF Docket Reference No.
Judge:
Hearing Location:
Hearing Date:
Hearing Time:
Response Date:

On 9/15/2015, a copy of the following documents, described below,

Amended Service Letter,

Notice of Hearing and Motion to Confirm Modified Plan

Post Modified Plan

Amended Schedule J

Signature Declaration

were deposited for delivery by the United States Postal Service, via First Class United States Mail, postage prepaid, with sufficient postage thereon to the parties listed on the mailing matrix exhibit, a copy of which is attached hereto and incorporated as if fully set forth herein.

The undersigned does hereby declare under penalty of perjury of the laws of the United States that I have served the above referenced document(s) on the mailing list attached hereto in the manner shown and prepared the Declaration of Certificate of Service and that it is true and correct to the best of my knowledge, information, and belief.

DATED: 9/15/2015

/s/ Jay S. Jump
Jay S. Jump
BK Attorney Services, LLC
d/b/a certificateofservice.com, for
Heller & Thyen PA
Robert S. Thyen
606 25th Avenue South Ste. 110
St. Cloud, MN 56301

CASE INFO

LABEL MATRIX FOR LOCAL NOTICING
0864-3
CASE 14-30309
DISTRICT OF MINNESOTA
ST PAUL
TUE SEP 15 11-45-39 CDT 2015

FARMERS & MERCHANTS STATE BANK OF
PIERZ
CO JAMES L. WIANT
1015 WEST ST. GERMAIN STREET SUITE
300
PO BOX 1497
ST. CLOUD MN 56302-1497

EXCLUDE

~~ST PAUL~~
~~200 WARREN E BURGER FEDERAL BUILDING~~
~~AND~~
~~US COURTHOUSE~~
~~316 N ROBERT ST~~
~~ST PAUL MN 55101 1465~~

BENTON COUNTY AUDITOR
531 DEWEY ST
FOLEY MN 56329-8413

BENTON COUNTY AUDITOR-TREASURER
PO BOX 129
FOLEY MN 56329-0129

CONVERGENT OUTSOURCING
800 SW 39TH ST
RENTON WA 98057-4975

DIRECTV
800 SW 39TH ST
RENTON WA 98057-4975

ERIN LINN
811 9TH AVE
FOLEY MN 56329-9135

FARMERS & MERCHANTS BANK
PO BOX 308
PIERZ MN 56364-0308

FARMERS & MERCHANTS STATE BANK OF
PIERZ
80 MAIN STREET
PO BOX 308
PIERZ MN 56364-0308

GARY AND MARY GRAM
CO RINKE NOONAN
PO BOX 1497
ST CLOUD MN 56302-1497

GARY AND MARY GRAMS
21373 AGATE BEACH RD
ST CLOUD MN 56301-5848

IRS
CENTRALIZED INSOLVENCY
PO BOX 7346
PHILADELPHIA PA 19101-7346

JANICE MOHLER
OSCAGE DR
BROWERVILLE MN 56438

LVNV FUNDING LLC ITS SUCCESSORS AND
ASSIGNS
ASSIGNEE OF MCI COMMUNICATIONS
SERVICES INC
PO BOX 10587
GREENVILLE SC 29603-0587

MINNESOTA CHILD SUPPORT
BENTON COUNTY HUMAN SERVICES
PO BOX 740
FOLEY MN 56329-0740

MN CHILD SUP
444 LAFAYETTE ROAD
SAINT PAUL MN 55155-3846

MN DEPT OF REVENUE
COLLECTION DIV
BANKRUPTCY SECTION
PO BOX 64447
ST PAUL MN 55164-0447

MORRISON COUNTY SHERIFF DEPT
COLLECTION BUREAU OF LITTLE FALLS INC
PO BOX 246
LITTLE FALLS MN 56345-0246

MORRISON COUNTY SHERIFF DEPT
PO BOX 246
LITTLE FALLS MN 56345-0246

MORRISON COUNTY SOCIAL SVCS - CS
213 1ST AVE SE
LITTLE FALLS MN 56345-1468

RINKE NOONAN
1015 W ST GERMAIN ST
ST CLOUD MN 56301-5442

SHELLEY FUNERAL CHAPEL
COLLECTION BUREAU OF LITTLE FALLS INC
PO BOX 246
LITTLE FALLS MN 56345-0246

STATE OF MINNESOTA
395 JOHN IRELAND BLVD
SAINT PAUL MN 55155-1800

US TRUSTEE
1015 US COURTHOUSE
300 S 4TH ST
MINNEAPOLIS MN 55415-3070

KYLE CARLSON
PO BOX 519
BARNESVILLE MN 56514-0519

ROBERT S. THYEN
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DEBTOR

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